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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 NYE COUNTY PUBLIC ADMINISTRATOR,
11 as the Administrator of the ESTATE OF
12 DAVID STEVENS,

13 Plaintiff,

14 vs.

15 BANK OF AMERICA,

16 Defendant.

Case No.: 2:23-cv-01963-JAD-NJK

JOINT DISCOVERY PLAN

17 The parties have conferred and hereby submit a joint discovery plan pursuant to Local
18 Rule 26-1(a) and Federal Rule of Civil Procedure 26(f)(3):

19 **LOCAL RULE 26-1(b) INFORMATION**

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21 **1. Discovery Cut-Off Date:** On October 24, 2023, Plaintiff filed its Amended
22 Complaint in Nevada's Fifth Judicial District. Defendants answered on November 27 2023, to
23 remove this matter from Nevada State Court to the U. S. District Court, District of Nevada. On
24 December 5, 2023, Defendant filed its Answer in federal court. Discovery should end on Monday,
25 May 31, 2024. Accordingly, the time period requested by the parties to complete discovery in this
26 matter amounts to 178 calendar days from the date of Defendants' first appearance.

27 **2. Amendment of Pleadings and Adding Parties:** The deadline for filing motions to
28 amend pleadings or to add parties shall be **March 5, 2024**.

1 **3. Expert Disclosures pursuant to Fed. R. Civ. P. 26(a)(2)(D):** The deadline for
 2 initial expert witness disclosures shall be **April 1, 2024**, which is sixty (60) days before the
 3 discovery cut-off date. The deadline to disclose rebuttal expert witnesses shall be **May 1, 2024**,
 4 which is thirty (30) days after the deadline for the initial disclosure of experts. Disclosure of expert
 5 witnesses, and any supplements thereto, shall be made pursuant to Fed. R. Civ. P. 26.

6 **4. Dispositive Motions:** The deadline for filing dispositive motions shall be **July 1,**
 7 **2023**, which is thirty (30) days after the close of discovery.

8 **5. Pre-trial Order:** The deadline for filing the Joint Pre-trial Order shall be **July 31,**
 9 **2024**, thirty (30) days after the date set for filing dispositive motions. In the event dispositive
 10 motions are filed, the date for filing a Joint Pre-trial Order shall be suspended until thirty (30) days
 11 after the decision regarding any dispositive motions or upon further order from the court.

12 **6. Pre-Trial Disclosures:** The Pre-Trial Disclosures required by Fed. R. Civ. P.
 13 26(a)(3), and any objections thereto, must be included in the joint pre-trial order.

14 **7. Extension of Discovery:** All motions or stipulations to extend discovery must be
 15 received by the Court not later than twenty-one (21) days before ^{the subject deadline.} ~~the close of discovery.~~ The
 16 ~~motions or stipulations shall be filed on or before May 10, 2024.~~

17 **8. Alternative Dispute Resolution:** In compliance with LR 26-1(b)(7), the Parties
 18 certify that they have met and conferred about the possibility of using alternative dispute-resolution
 19 processes. At this time, the parties need to conduct further discovery into the claims and defenses
 20 of this matter in order to properly assess viability of settlement of this matter.

21 **9. Trial Alternative:** The Parties certify that they have met and considered a trial by
 22 a magistrate judge under 28 U.S.C. §636(c) and Fed. R. Civ. P. 73 and the use of the Court's Short
 23 Trial Program. At this time, the parties will not agree to placement in the Short Trial Program. A
 24 final decision regarding possible trial by the Magistrate Judge has not been made at this time.

25 **10. Electronic Evidence:** The Parties have not yet decided whether they will present
 26 evidence in electronic format to jurors for the purpose of jury deliberations.

FED.R.CIV.P. 26(f)(3) INFORMATION

(A) What changes should be made in the timing, form or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made?

ANSWER: The parties will make the required initial disclosures under Rule 26(a)(1) by February 29, 2024. No other changes need to be made.

(B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues?

ANSWER: The parties agree that discovery will be required on all issues relating to all claims and defenses asserted in the pleadings. The parties propose that discovery should be completed on May 31, 2024. Discovery need not be conducted in phases or be limited to or focused upon particular issues.

(C) Any issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced?

ANSWER: The parties are aware of their preservation and discovery obligations under the Federal Rules of Civil Procedure. The parties have taken reasonable measures to preserve relevant documents and evidence, including electronically stored information ("ESI"), that are maintained in locations and systems where such relevant information is likely to be found in accordance with the Rules. Responsive electronic discovery shall be produced to the requesting party in a commercially reasonable manner or in the manner kept in the producing party's regular course of business, whichever is less burdensome and more economical for the producing party.

1 (D) Any issues relating to claims of privilege or of protection as trial-preparation
2 material, including – if the parties agree on a procedure to assert such claims after production –
3 whether to ask the court to include their agreement in an order?

4 **ANSWER: The parties will assert claims of privilege through a privilege log. The**
5 **parties do not need this incorporated into an order. The parties agree to submit a Stipulated**
6 **Confidentiality Order, which will include claw back provisions to protect inadvertently**
7 **disclosed confidential or protected information.**

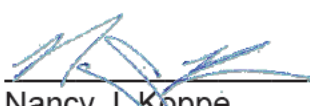
9 (E) What changes should be made in the limitations on discovery imposed under these
10 rules or by local rule, and what other limitations should be imposed?

11 **ANSWER: Discovery should be conducted in accordance with the Federal Rules of**
12 **Civil Procedure and Local Rules.**

14 (F) Any other orders that should be entered by the court under Rule 26(c) or under
15 Rule 16(b) and (c)?

16 **ANSWER: The parties will submit a Stipulated Confidentiality Order.**

18 IT IS SO ORDERED.
19 Dated: January 30, 2024

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24 Nancy J. Koppe
25 United States Magistrate Judge
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